

DELTA PROTECTION COMMISSION

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Delta Protection Commission
Thursday, December 15, 1994
Draft Minutes

**1. Call to Order/Roll Call**

Chairman Torlakson called the meeting to order at 6:40 p.m. Commissioners present were: Calone, Curry, Freeman, Johnson, McCarty, Mello, Murphy, Potter, Salmon, Sekelsky, Chairman Torlakson, and Yates. Vice Chair Fargo arrived late. Commissioners Barber, Broddrick, Ferreira, McGowan, and Thomson were absent.

2. Approval of Minutes of November 17, 1994 Meeting

On a motion by Commissioner Johnson, and a second by Commissioner Sekelsky, by voice vote, the draft minutes of November 17, 1994, were approved by the Commission.

3. Chairman's Report

Chairman Torlakson noted that an agenda item had been added: a draft Annual Report was mailed under separate cover. He suggested that issue be addressed as the first item of business.

Chairman Torlakson welcomed new Commissioner Mac Freeman. Councilmember Freeman is from the City of Lathrop and will be replacing Clyde Bland as the appointee of the San Joaquin County Council of Governments. Chairman Torlakson said that Commissioner Freeman was elected to the Council in 1989 and served as Mayor in 1992. He said that he has lived in Lathrop for most of his life and is a retired Management Analyst formerly with the Sharpe Army Depot in Lathrop.

Chairman Torlakson said that Commissioner Bland has retired from public service. He said that a draft resolution of appreciation, recognizing his service on the Commission, had been drafted. On a motion by Commissioner Curry and a second by Commissioner Johnson, the resolution of appreciation was adopted.

The next Delta Protection Commission meeting is scheduled for January 26, 1994.

DAPC had its last meeting and the members agreed to "sunset" DAPC, the joint powers authority made up of the five Delta counties.

4. Attorney General's Report

Richard Frank, Deputy Attorney General, reported that a new Bay-Delta water agreement had been reached by key federal and state agencies. He distributed copies of statements released by the Governor and the White House.

Commissioner Potter commented that the lengthy negotiations were really between a group of water users and the federal water regulators. Environmental groups were included in final negotiations. The agreement was signed by EPA Director Browner, Secretary of the Interior Babbitt, and Secretary of Resources Wheeler and the Governor. He commented that the agreement will provide reliability in water supplies and shifts power over the State's water supplies from the federal agencies to the State agencies.

5. Executive Director's Report

Ms. Aramburu said that she attended a meeting at the CVRWQCB to discuss a new permit streamlining process for Delta dredging permits. The Board staff hopes to have a draft program out early next year.

On behalf of the Commission, she attended the first meeting of the San Francisco Estuary Institute's Advisory Committee.

Ms. Aramburu said she met with the Director of Planning for the Department of Parks and Recreation and several staff members to discuss the Department's interest in participating in a Deltawide recreation study. She said that the Department is very interested at this point and volunteered to develop a program and preliminary budget that the Commission can then take to other entities that may be interested in participating.

She said the Commission staff hosted a meeting of Land Trusts operating in the Delta area including: Solano, Yolo, North Delta Conservancy, and Delta Habitat Conservancy. Larger groups included: American Farmland Trust, Nature Conservancy, and Ducks Unlimited. She said discussion included the existing programs of each group. There will be an additional meeting next year to discuss pressures on Delta agricultural lands and ideas of how the land trusts can further the goals of the Commission as well as their own mission.

Ms. Aramburu said that wetland planning grant application submitted to the Resources Agency was not funded. She said she would talk to the Resources Agency staff and Environmental Protection Agency staff and report back to the Commission.

Ms. Aramburu said that the Delta Protection Act requires that starting January 1, 1995, the Commission submit an annual report to the Governor and the Legislature on the effectiveness of the adopted Land Use and Resource Management Plan. The Commission has not yet adopted the Plan. She suggested as an alternative that the Commission forward a brief report, a status report, which outlines the Commission's work toward achieving the legislated goal of adopting the Plan and other work the Commission.

On a motion by Commission Mello and a second by Commissioner Johnson, the Commission adopted the draft status report and directed staff to forward the status report to the Governor and the Legislature by January 1, 1995.

6. Levee Subcommittee Report

Chairman Torlakson reported that the Levee Subcommittee met just before the Commission meeting. Commissioners Potter and McCarty were at the meeting. Also in attendance were Commissioners Mello and Salmon and Dante Nomellini. The charge to the Subcommittee was to address the need for levee standards; an emergency levee repair program; the need to continue funding for levee maintenance work beyond the sunset date of SB 34; and the need to streamline the levee permit process.

Regarding levee standards, the Hazard Mitigation Plan was meant as a first-level, interim standard and PL-99 was meant to be a higher standard, or ultimate goal. This standard involves the federal agencies, and perhaps some federal funding.

Regarding levee repair, it is timely to direct attention to the issue of levee repair and to organize resources now to head off possible disasters. Commissioner McCarty added the emergency issue cannot wait for adoption of the Plan, there is an immediate need to address this issue. He suggested that the Commission may want to address these issues at the next Commission meeting, or before the next Commission meeting. Chairman Torlakson said Commissioner McCarty and others met with Senator Johnston and the Senator is willing to set up hearings on the matter. The Commission can be a strong voice calling for appropriate action. Commissioner McCarty commented there is an opportunity for the Commission to urge development of emergency response programs for this year, and to initiate action to develop long-term funding for levee maintenance.

Chairman Torlakson said there has been discussion of which agency should have responsibility for emergency levee response. Currently the Department of Water Resources Flood Management Division has a key role working with the reclamation districts, a role which may need to be expanded. He said it is important to continue to explore ideas. Commissioner Broddrick forwarded

information about the California Department of Forestry, which has capability to mobilize in case of emergencies and is not fighting fires in the winter. Chairman Torlakson said a key issue is developing funding to expand emergency services.

Regarding levee maintenance funding, he said there is a need to commit funds to bring Delta non-project levees to HMP and eventually to PL-99 standards. He said there also are unpaid claims for reimbursement which need to be paid.

Chairman Torlakson addressed the need for levee permit streamlining. He suggested that specific recommendations be developed. Commissioner Potter commented that there is progress with the Corps on permit streamlining. DWR has forwarded standards developed with Department of Fish and Game and Regional Water Quality Control Board.

On a motion by Commission Calone, and a second by Commissioner Johnson, staff was directed to prepare a letter to send to the members of the Legislature outlining the immediate and longer-term issues associated with Delta levees.

7. Commission Review and Discussion of Revised Element Regarding Levees.

Ms Aramburu said this item been agendized if there was specific written language for the Commission to consider. The Subcommittee was unable to prepare specific written language and she suggested there were two options: bring specific language back to the full Commission on January 26, or based on the direction of the Subcommittee, allow staff to draft changes to be brought back to the full Commission for consideration in the revised draft.

Commissioner McCarty, in the interested of time, suggested that staff prepare revised language for incorporation into the revised draft for review by the full Commission.

Chairman Torlakson said, without objection, that would be the direction of Commission to staff.

8. Commission Review and Discussion of Revised Language Regarding Recreation and Access.

Ms. Aramburu stated when the Commission last reviewed the Recreation and Access element, several concerns were raised particularly regarding assumptions about recreational needs that were included without adequate research. In addition, there was a general concern about the format of the findings, policies, and

recommendations. Public comments were received that focused concerns on the need to improve existing recreation areas and facilities and the need to protect agriculture from new encroachments into agricultural areas.

Ms. Aramburu said that she prepared a revised set of findings, policies, and recommendations. She said the packets received by the Commission includes written introduction with changes indicated by underlining and cross-outs; on pages 4-8 the NEW findings, policies, and recommendations, and for your reference on pages 9-14 the OLD findings, policies, and recommendations.

She said the new language eliminates assumptions about needs, and focuses on enhancing and managing the existing access sites and facilities. Further policies about needs and facilities should be deferred until more research has been carried out, hopefully in partnership with the Department of Parks and Recreation. This revised language was distributed to the Commission and to the Recreation CAC: No written or oral comments were received.

Ms. Aramburu said that one issue that was raised previously was that of how many marina berths are located in the Cities in the Secondary Zone and how many are proposed in the future. She said the Commission received a memo tonight addressing those issues. She said the research showed that in contrast to the over 11,000 berths located in the Counties--and that is probably a low count--about 4,000 berths are located in Delta Cities--about 1,500 in Stockton and 2,500 in the other cities. Several cities said there are plans for new marinas, with no specific numbers available.

Chairman Torlakson called for Commission comments.

Commissioner Murphy, on page 6, to be consistent with the Marine Patrol report, add Department of Fish and Game Wardens and Department of Parks and Recreation Peace Officers and renumber to F-17. There was no objection.

Commissioner Mello, page 4, F-6, suggested rewording to clarify to read "Some recreation activities are detrimental to habitat values, such as those that..." Suggested added that boating activity-created wakes could degrade habitat values on berms and levees. Commissioner Calone said the finding should say "does" degrade habitat values. There was no objection.

Commissioner Mello, page 9, P-7, suggested "discouraging" extensive recreation such as golf courses, rather than prohibit.

Commissioner Calone seconded that change.

Commissioner Fargo asked since the Commission's authority is limited to appeals, what other recreation activities should be discouraged.

Commissioner Calone suggested limited activities which increase traffic on narrow levee roads needed for agriculture, e.g. water slides.

Commissioner Fargo said the Commission is to support agriculture and recreation. She is concerned that the policies are designed to discourage new recreation activities if there is any adverse impact to agricultural uses.

Commissioner Yates said the policies refers to the uniqueness of the Delta and should not include the specific reference to golf course.

Commissioners Sekelsky and Mello agreed.

Chairman Torlakson stated the revised change.

Commissioners Curry and Murphy asked for clarification; Ms Aramburu said there are two ideas in the policy: uses that don't take advantage of the characteristics of the Delta and extensive recreation which would displace agriculture.

Commissioner Curry asked what would versus what would not take advantage of the characteristics of the Delta; Ms Aramburu said an indoor arena would not; something based on water or agriculture, such as fishing, hunting, historic farms trails on the leveetop, would take advantage of the Delta characteristics.

Commissioner Yates suggested making the policy positive.

Commissioner Murphy suggested specific language "Encourage new recreational facilities which take advantage of the Delta's unique characteristics."

Chairman Torlakson suggested breaking the policies, a new P-9, above, and P-10, discourage extensive facilities which would displace agriculture.

Commissioner McCarty suggested P-2 covers that, with the addition of the word "existing."

Commissioner Curry raised concern about phrase "takes advantage of".

Chairman Torlakson stated there was consensus with Commissioner Murphy's suggested language for P-9.

Re a new P-10, Commissioner Potter suggested using word discourage, not prohibit.

Commissioner Fargo asked definition of "extensive" recreation facilities.

Chairman Torlakson summarized the new P-10 would read "Discourage extensive recreation facilities which would displace agriculture."

Commissioner Curry suggested in P-9, using term "are complementary to". There was no support for the suggested change.

Commissioner McCarty: P-2, suggested adding the word "existing"; P-4, delete "improved" enforcement; P-6, said policy was unclear, didn't support parking on agricultural lands; Ms Aramburu said the idea is to support enhanced recreational support facilities without adversely impacting agricultural. Choices are limited such as widening levees for parking or allowing small amounts of parking where it would not adversely impact agriculture. Commissioner McCarty suggested rewording to clarify.

Commissioner Fargo: P-6, suggested "Support multiple uses of Delta agricultural lands such as seasonal use for hunting or improved parking at access sites for compatible uses." There was general support for that language.

Commissioner McCarty suggested combining two policies, the first to improve bank fishing by providing safe parking and to provide adequate policing and clean-up; "Support improved access for bank fishing where there is adequate policing..." Chairman Torlakson directed staff to rework language to ensure that new facilities have adequate policing, etc.

Commissioner Curry, P-7, suggested "Support improved access from state highways and county roads for bank fishing..." The change was agreeable.

Chairman Torlakson asked for public comments.

Dante John Nomellini, representing the Central Delta Water Agency made the following comments:

There are a number of statements that characterize feelings about recreation and access facilities; this is wrong and needs to be clarified.

Paragraph Two: states there are few "formal" designation spots for boaters to get off their boats; there is a lack of publicly operated sites, but there are lots of destination sites--yacht clubs, water ski clubs, individual docks. Delete "formal", or define.

Paragraph Three: public parks are extremely limited in number; does that mean there is something wrong? There isn't even a complete map of parks. He counted on an available map, 18 publicly owned launching facilities and 47 privately owned launching facilities in the Delta. A study may show the Delta is already saturated with too much recreation use in most of the area. He discourages characterizing with adjectives; just state the facts.

Page Two, second paragraph: add "policing" to phrase "virtually no restroom or garbage facilities"

Fourth paragraph: concludes that sites can be provided at low cost. The Port of Stockton built docks on an island to serve as a destination site; the sites became burdened with trash and some boaters moved in and were living there; the Port was forced to close the facility due to the costs of policing. The cost is a big factor; don't conclude there would be a low cost because its on publicly owned land.

Page 4, F-3: there are many boaters from San Jose boating in the southern Delta.

F-2: re population changes; where Mr. Nomellini lives, the population is not dropping.

F-4: "Most of the waterways are owned by the State" should be changes to "many".

F-6: re: impacts to habitat; human access to habitat can also result in an adverse impact.

F-8: re: "marinas are clustered"; marinas are scattered throughout the Delta.

F-11: "In Primary Zone...access areas are limited in number"; questions if number is correct.

F-13: At last meeting, facilities in Secondary Zone provide access to the Primary Zone and should be included in a recreation inventory.

F-18: re: negative impacts, add destruction of habitat and fires.

Dick Marshall, representing RD 999, commented that generally the tone is to enhance public access to the Delta. As a district that has 35 miles of levee, about half with County roads, several revegetation sites to mitigate habitat losses due to levee maintenance have been installed. These sites have been over-run by the public, so that one site had be to abandoned. The trees were torn down, the rip-rap was removed, the bank was damaged, the sites became a dumping ground. Generally the Commission should consider the impacts on the local districts. The RDs are privately funded by the local land-owners. If activities are promoted without funding to supervise such activities, there is a burden on the RDs. Its positive to make the Delta accessible to those that appreciate it, but it's not feasible to have enough policing to keep out those that would abuse the area.

Dennis Pisilla, Contra Costa Water District, hasn't had a chance to review the revisions to the Recreation section. However, he previously recommended that the policies address the need to protect water quality when addressing approvals for recreation facilities, for example marinas near water intakes. Ms Aramburu said P-3 would direct counties to develop siting criteria which would include addressing impacts to water intakes. Commissioner Calone asked what would be an appropriate distance between a marina and water intake; Mr. Pisilla said it would depend on the type and size of facilities proposed; a small marinas, perhaps one-half mile, preferably as far away as possible. New facilities should maintain current buffering.

Chairman Torlakson brought the discussion back to the Commission.

Commissioner Fargo re Nomellini's comments, page 2, first paragraph--add a separate sentence "Rarely is adequate policing provided." Paragraph 4, new facilities may not be low-cost, add "Some" to clarify.

Commissioner Murphy, page one last paragraph contradicts F-4, needs clear distinction between lands and waterways; Ms Aramburu agreed to clarify text to indicate it refers to land section; re: waterways are under different ownerships. Commissioner Murphy suggested clarifying language.

Chairman Torlakson asked for staff comment re: need for destination spots for boaters; Ms Aramburu said this was an issue raised by the Citizens Advisory Committee, that there is a need for spots for boaters to visit. Commissioner McCarty suggested that the marinas are suitable locations for boaters to get out, eat at restaurants, etc. He suggested the Delta lands may not have appropriate locations for destinations for boaters, other than the marinas. Commissioner Curry said "destination spots" are important to boaters; destinations may be formal or informal.

For example the City of Petaluma has created destinations for boaters. Ms Aramburu suggested striking this sentence until there is a more formal survey which analyzes boater need and responses to that need. Commissioner Mello said it is correct-- there are few, publicly-owned destination sites for boaters. The Commission directed staff to revisit this language. Commissioner McCarty said if Commissioner Curry was correct, that destinations can be on the water, there are many, many destinations.

Chairman Torlakson asked about the adjectives about public-owned facilities; Ms Aramburu suggested striking the first sentence and starting with the number and description of facilities.

Commissioner McCarty said Mr. Nomellini had suggested removing the term "clustered"; Ms. Aramburu said there is distinctive clustering in the Bethel Island area and in the Andrus Island area; in San Joaquin County, marinas are dispersed. Chairman Torlakson suggested adding another sentence describing that marinas are also dispersed throughout the Delta.

Chairman Torlakson asked that the issue of destruction of habitat by trampling be added. Re: F-13, the issue of facilities in the Secondary Zone serving and/or impacting the Primary Zone; Ms Aramburu said she could add information. Commissioner McCarty emphasized that the Secondary Zone, particularly in regard to recreation, has a spill-over effect on the Primary Zone. Re: F-18, the suggestion of destruction of habitat and fire should be added.

Commissioner Fargo commented that several topics, previously discussed in the background report, should be addressed, such as directional signage, billboards, and pedestrian and bicycle trails. Ms Aramburu said she believed there were some recommendations that could be reanalyzed in a more comprehensive study. She agreed that these are important issues and could be addressed in a recommendation. Commissioner Fargo suggested that language be added describing topics to be addressed in further study.

Commissioner Curry commented that jet-ski is a proprietary term and suggested the term "personal watercraft" be used instead. Commissioner Murphy said clarity is utmost importance and the Plan should use the common term. Ms Aramburu suggested using the term personal watercraft, with a footnote about jet-skis. Commissioner Potter suggested using the term jet-ski, with a footnote about personal watercraft. Commissioner Salmon agreed.

Commissioner Mello commented page 8, R-2, re: study for carrying capacity of Delta without adverse impacts to levees; should substitute "minimizing" impacts. We need to craft a policy that State acknowledges that there is damage to levees caused by boating and that public financing should address that issue. Chairman Torlakson noted that had been addressed at the last meeting.

Commissioner McCarty said he can support trails in the Secondary Zone, in cities and where they can be policed; he cannot support trails out in the Primary Zone in the middle of the Delta. Commissioner Fargo said she did not presume to know where such trails could be located, however there are existing public roadways, a state park, and other areas in the Primary Zone which should be studied. Commissioner McCarty said it would be very difficult to police bike trails in the Delta. Chairman Torlakson directed staff to add topics to be studied in the future, such as signage and trails, addressing the need to protect and respect private property.

9. Commission Review and Discussion of Revised Map Boundary near South Stockton.

In October, the Commission looked at Mr. Jaques situation and in addition, some general questions about the maps and the Primary and Secondary Zones arose. With the general understanding that the Commission cannot change the map boundaries, only the Legislature can change the boundaries, staff sought direction from the Commission.

Ms. Aramburu said that regarding Mr. Jaques situation, she prepared a map which shows the site, the city limits and the Primary Zone. She said that she verified the M-1 zoning with the City and notified the City and County of the issue. She said the City staff stated the parcel existed when it was annexed in 1966. She said the site is partially developed with a warehouse-type structure located at the far eastern end of the parcel. The size and scale is similar to a small barn.

She said an associated issue raised by the Commission is what difference it makes if this parcel is in or out of the Primary Zone and another question was raised about cities which add lands in the Primary Zone into their City Limits.

She said she would briefly address the first issue and that Mr. Frank would address the second. She said the Act states that all local governments must amend their general plans to conform to the Commission's adopted Plan. In this specific situation, the City of Stockton would have to submit a plan indicating how the City will address existing and future land uses on lands in the Primary Zone. For site with zoning in place on January 1, 1992, based on earlier Commissioner comments, retention of

existing designation would be acceptable. However, if there is any proposed change in General Plan or zoning, those changes would have to be in conformance with adopted Plan. Local governments including cities with lands in the Primary Zone would have to submit a local Delta plan.

Richard Frank said there were two issues he was asked to address, which he has attempted to do in a memo dated November 30, 1994. There have been several ambiguities or apparent errors in the Primary Zone. Looking at the definition, that is the source of some of the ambiguities. We have reviewed the definition, and it is the opinion of our office that if there is any ambiguity, the determining factor is whether the parcel is shown in or out of the Primary Map, as filed with the Secretary of State.

The second issue is what happens if in the future a City located outside the Primary Zone expands into the Primary Zone, and our opinion is that the Act provides a "snapshot" view. If in the future a City decides to expand into lands in the Primary Zone, that will not affect the boundary of the Primary Zone or the Commission's appellate jurisdiction.

If the Commission or interested parties have problems with that analysis, they can petition the Legislature to change those boundaries. However, that is not something the Commission has the power to do.

Chairman Torlakson said LAFCOs would be directed to discourage cities from expanding into the Primary Zone.

Ms Aramburu said the Commission has several options: accept information with no action, recommend that the Legislature delete this parcel from the Primary Zone, or acknowledge that the parcel is in the Primary Zone but is already zoned for a non-agricultural use. Regarding the cities, staff could be directed to convey this information to the cities, that portions of the cities may be in the Primary Zone and in that case, cities would have to comply with the Act.

Dante John Nomellini urged the Commission to adopt alternative #3 which would retain the parcel in the Primary Zone, but recognize the existing zoning. He believed it would be a mistake to delete any areas from the Primary Zone.

Mario Jaques, property owner, urged Commission to adopt #2 to urge the Legislature to delete this site from the Primary Zone. The parcel has been in the City for many years and is not in agricultural use.

Commissioner Fargo moved adoption of recommendation #3; seconded by Commissioner McCarty.

Commissioner Freeman said this looked like a mistake and asked why we aren't asking the Legislature to correct their mistake.

Commissioner Fargo as the maker of the motion said natural boundaries appear to be most appropriate boundary between the Primary and Secondary Zones and recommendation #3 would allow the site to stay in the Primary Zone, yet recognize the existing use and zoning.

Commissioner Potter asked if there other situations like this where the Primary Zone overlaps city limits; Ms Aramburu said there may be four cities with lands in the Primary Zone: Rio Vista, City of Stockton, City of West Sacramento, and City of Pittsburg. Commissioner Potter asked if the map was on display, would the average Commissioner believe that the Legislature had made a mistake dividing cities with the line; Ms Aramburu said as a planner the language used in the Act describe areas bigger than an existing city, which would lead one to believe that it was not intended to include city areas, but the Act also refers to the map which includes these areas.

Commissioner McCarty said alterative #3 would acknowledge the use and zoning and would not degrade or adversely impact the parcel, without confusing the map. A natural boundary is the easiest to interpret.

Commissioner Johnson asked Mr. Frank for his interpretation; Mr. Frank responded in terms of legality, where there is ambiguity, the map controls. That map shows that this parcel is in the Primary Zone. It is clear that the parcel is in the Primary zone, the question is what does the Commission want to do about this parcel. Commissioner Johnson asked if this would come up in other locations; Mr. Frank said yes, apparently these anomalies have been identified in several locations. Commissioner Johnson is there any appeal through the courts; Mr. Frank said the recourse is to go to the Legislature and request an amendment of the map.

Chairman Torlakson said this does not affect the parcel or the zoning. Mr. Frank said he believes that the existing uses would not be impaired.

Commissioner Salmon agreed with Commissioner McCarty, this is in his district, if the Commission requests map change it would open up "a can of worms." A natural boundary is easy to understand. If the Commission requests a change here, they will have to request a change to the sewer treatment pond, and lose control over that large area with no control. This way, they are in the Primary Zone. He supports alternative #3.

Mr. Jaques raised the concern that expansion of the existing use may be questioned in the future. He said the city limits already go beyond the natural boundary. The map on Roberts Island omits a large parcel which is zoned A-80. Someone with political clout had their parcel omitted. He added that his agricultural land's value has dropped \$1,000 an acre since being included in the Primary Zone.

10. Staff Presentation and Public Comment on Draft Staff Report on Marine Patrol

Ms. Aramburu started with acknowledging the assistance of Colleen McMahon, the Commission's student assistant, for gathering all the information for the background report, coordinating the review with the law enforcement agencies and setting up the meetings with law enforcement and with the CAC to discuss the issues in the report. She also acknowledged and thanked the local, state, and federal law enforcement staffs who provided time and assistance to staff.

She said the Act directs the Commission to prepare as part of the Plan, a strategy for the implementation of a coordinated marine patrol system throughout the Delta which will improve law enforcement and coordinate the use of resources by all jurisdiction to ensure an adequate level of public safety. The plan shall identify resources to implement that coordination.

She said the report first outlines the existing level and types of service currently provided in the Delta by local, state, and federal agencies. Chapter II looks at the types of "crimes" and some of the causes of the problems on the Delta waters. She said Chapter III identifies the number and types of accidents on Delta waters. Chapter IV looks at the volunteer groups active on the waters and the services they provide. The last chapter reviews funding resources. Findings and policies and recommendations end up in the text portion of the report. We have included a number of exhibits that illustrate the information discussed in the report.

She said the big issues regarding marine patrol include: how to better coordinate patrols on the Delta waters and better coordinate patrols between local and state law enforcement agencies; how to ensure adequate funding for marine patrol services and to provide funding for removal of abandoned vessels; lack of enforcement on certain areas such as crimes of environmental pollution and boating under the influence; and new problems associated with personal watercraft--lack of training and education, etc.

Suggestions for resolving these issues include:

Better coordination of on-water patrols--the Coast Guard has indicated a willingness to coordinate daily on-water patrols and to host annual or biannual coordination meetings;

Better allocation of resources to provision of marine patrol services--some counties may need to, increase collection of property taxes, as well as reallocation by the Legislature of taxes and fees collected from boaters to be allocated to boater orientated services, as well as possible need to increase some fees to supplement these funds;

Over and over the need for education of boaters of all types was stressed. In other types of mechanized vehicles, this is addressed by operator age limits and the need for a license which can be revoked if laws are broken. There are new laws regarding vessel operator age, but limited training and no licensing requirements for recreational vehicles.

She said she would take questions from the Commissioners first, then hear from any speakers, and finally ask the Commissioners to make comments after public comment.

Chairman Torlakson asked for public comments.

Chris Lauritzen, Partner in Lauritzen Yacht Harbor in Antioch and ten year reserve with Sheriff's department.

He passed around pictures of four boats in the sheriff's department; all of them are broken. Funding is an essential issue for all five Delta counties. Its imperative that we spend money to have a marina patrol program in the Delta.

On page 2, the report outlines number of boat berths; the important number is the number of registered boats in the County--38,000 in Contra Costa County. In addition, many boats come into the Delta from outside the five Delta counties. He suggested a study of how many boats come from outside the Delta, for example, studying a few marinas and dry storage areas in detail. He said he has 137 boats in dry storage and 137 in wet storage. The demographics of users would be the same for his marina as the other four marinas in the Antioch Bridge area. The data before the Commission is old and outdated; there is a need for a new comprehensive study of where boaters come from and what there usage is.

Regarding revenue sources, we don't know what sales tax generation is. Using his marina and a boat sales facility in Antioch, he said his 18 acre marina grosses \$2.2 million per year (27 employees). Summit Marine had in August sold 209 boats totalling \$2 million in sales which is \$298,000 in sales tax

dollars to Contra Costa County. We don't have a clue how much the boaters contribute to our economy and we are stuck with the same equipment and limited budgets. Supervisors and sheriffs have got to make the marine patrol a priority.

Chairman Torlakson said we don't have information about the sales tax, we know the Counties have lost about half of the property tax to the State. We have been reduced from 22% of the property tax to 11%; most of the marine patrol property tax goes to the State of California and they give it to schools and other agencies. Contra Costa County spends all of the remaining boater property tax on marine patrol. He said the legislation to raise funds for marine patrol came close to passing and should be pursued. He added that additional funds, such as gas taxes should be recycled to marine patrol.

There was no other public comment.

Ms Aramburu noted that Contra Costa County is very effective in collecting boat property taxes, some of the other counties are not so effective. In addition, she noted that San Joaquin County had reinstated its marine patrol program.

Commissioner Potter asked about the future of the report. Have the cities and counties seen the draft; Ms Aramburu said yes, staff has been coordinating with all the city and county police departments, and the Coast Guard, Fish and Game, Boating and Waterways, and Citizens Advisory Committee. Commissioner Potter asked if they had seen the draft. Ms Aramburu answered yes, and said there had also been two meetings.

Chairman Torlakson asked for Commission comments.

Commissioner Curry commented in the introduction, what is meant by illegal dumping; Ms Aramburu said illegal dumping of sewage: Mr. Curry asked for that clarification; page 1: STARS needs to be spelled out; jet-skis needs to be clarified; he asked if the number of personal watercraft or the operation of personal watercraft had been identified as a problem and asked for clarification; F-4, page 31, re abandoned vessels, add missing word, also add "dispose"; F-10, page 32, doesn't like tenor, its not the sheriff's fault that people are breaking the law; in Exhibit G, uses term jet-ski, Exhibit H, uses personal watercraft--terms are confusing.

Commissioner McCarty said that the reports have discussed "wet" berths, there are not many references to dry storage or to launch ramps.

Chairman Torlakson directed staff to incorporate those comments into the revised draft plan to be brought to a public hearing on January 26, 1995.

11. Commission Consideration and Possible Adoption of Policy on Fees for Appeals.

Agenda Item #11 was postponed to an unnamed date.

12. General Public Comments

Franklin Ernst, Vallejo, commented that the map will haunt the Commission and noted he had spent two years telling the Commission about the forgeries. He said the work consensus is used, a definition means disagreements will not be permitted. Consensus doesn't allow the individuals to use their judgement. Re mucking around, his former brother in law made a living on a wheat ranch on Muck Valley.

13. Commissioner Announcements

Chairman Torlakson noted that Commissioner Johnson and Commissioner Keller will be leaving the Board.

Commissioner Potter asked regarding asking staff to communicate with Delta cities, Mr. Frank's memo should be included in the packet. Potter moved to direct staff to communicate with the cities, seconded by Commissioner McCarty; the motion was passed unanimously.

Commissioner Potter noted that he had several contacts regarding wastewater and suggested that staff prepare some additional material. Commissioner Mello said he had also been contacted. Ms Aramburu said she had suggested that

14. Adjourn

The meeting was adjourned at 9:35 p.m.

